IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

RP.No. 281 of 2007(F)

AGAINST THE JUDGEMENT IN RSA.899/2003 Dated 05/09/2005
AS.199/1999 of ADDL. DISTRICT COURT-II, KOZHIKODE
O.S.NO.12/1997 OF SUB COURT, VADAKARA

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PETITIONERS:-

E.T.BASHEER,
AGED 48 YEARS, S/O.ANDRU,
“ERIKKIL HOUSE”,
NEAR III RD RAILWAY GATE,
POST KANOTH ROAD,
VIA AZHIYOOR-673 309.

BY ADV. SRI.C.KHALID
SRI.T.P.SAJID

RESPONDENTS:

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1. M.K.POKKU,
S/O.MOIDEEN HAJI,
BUSINESS, KOONIMAL HOUSE,
AZHIYOOR,
P.O.CHOMBAL
VADAKARA TALUK,
KOZHIKODE DISTRICT.

2. CHOMBAL KUNHIPALLI PARIPALANA COMMITTEE,
REGN.NO.244,
REPRESENTED BY ITS SECRETARY KUNHIPALLI,
P.O.CHOMBAL,
AZHIYOOR AMSOM, VADAKARA TALUK,
KOZHIKODE DISTRICT.

3. THE PRESIDENT, CHOMBAL KUNHIPALLI,
PARIPALANA COMMITTEE, P.O. CHOMBAL,
AZHIYOOR AMSOM, VADAKARA TALUK,

KOZHIKODE DISTRICT.

4. ABDURAHIMAN,
S/O.MOIDEENKUTTY,
MALIYAKKAL, T.K.HOUSE,
NEAR KUNHIPALLI,
P.O.CHOMBAL, VADAKARA.

5. T.K.ISMAIL, S/O.UMMER, ERIEKILENALIL HOUSE,
NEAR KUNHIPALLI,
P.O. CHOMBAL, VADAKARA TALUK

6. N.P.AHAMED, S/O.HUSSAIN,
PALLITHAZHA MAIN HOUSE,
NEAR KUNHIPALLI,
P.O. CHOMBAL, VADAKARA TALUK.

7. P.P.JALULUDHEEN,
S/O.KOVENHI THANGAL,
PUTHIYAPARAMBATH HOUSE,
NEAR ARRAYAR PEEDIKA JUMA MASJID,
P.O.KOROTH ROAD,
AZHIYOOR AMSOM,
VADAKARA TALUK,
KOZHIKODE DISTRICT.

BY FOR R1, ADV. SRI.K.V.SOHAN
SRI.T.G.RAJENDRAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 15/03/2007, ALONG WITH RP NO.283 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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R.P. Nos. 281/2007 and 283/2007
in R.S.A No.899/2003

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Dated this the 15th day of March, 2007

O R D E R

Heard both sides. The learned counsel for the first respondent, the appellant in the appeal, conceded that the appellant has no objection, in the light of the contentions raised by the other side, in allowing the review petitions, but without prejudice to the rights of the appellant, raising all the contentions, which are available to him as per law.

2. In the above facts situation, I allow both the review petitions. The judgment, dated 05/09/2005, in R.S.A No.899/2003, is reviewed and recalled.

3. As this is a second appeal, the matter may be posted before the appropriate Court, for an early hearing.

Till the appeal is heard and decided finally, the parties shall maintain status quo as on today.

(J.M.JAMES)
Judge

ms